



EXPRESS MAIL NO. EV 182094150US

EXPEDITED PROCEDURE  
EXAMINING GROUP: 1637  
Docket: A-72076-4/AMP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	Linda G. LEE	
Appln. No.:	10/014,743	
Filing Date:	October 29, 2001	Examiner: J. Riley
Confirmation No.:	7015	
Title:	ENERGY TRANSFER DYES WITH ENHANCED FLUORESCENCE	Group Art Unit: 1637

**TERMINAL DISCLAIMER**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Petitioner, Applera Corporation, Applied Biosystems Group, a corporation duly organized under the laws of the State of New York, having its place of business at 850 Lincoln Centre Drive, Foster, City, California 94404-1128, is the owner of 100 percent interest in and to the above-entitled application by virtue of an Assignment from the inventors to PE Corporation recorded in the U.S. Patent Office on October 29, 2001, Reel 012393, Frame 0729 and by virtue of an Assignment from PE Corporation to Applera Corporation recorded in the U.S. Patent Office on January 14, 2003, Reel 013367, Frame 0173. The evidentiary documents have been reviewed and to the best of Petitioner's knowledge and belief, title is in the Petitioner.

Petitioner, Applera Corporation, Applied Biosystems Group, a corporation duly organized under the laws of the State of New York, having its place of business at 850 Lincoln Centre Drive, Foster, City, California 94404-1128, is the owner of 100 percent interest in and to U.S. Patent No. 5,945,526 as by virtue of an Assignment from the inventors to Perkin-Elmer Corporation recorded in the U.S. Patent Office on March 23, 1998, Reel 9108, Frame 360, by virtue of a Change of Name from Perkin-Elmer Corporation to PE Corporation recorded in the U.S. Patent Office on March 6, 2002, Reel 012676, Frame 0767, and by virtue of an Assignment from PE Corporation to Applera Corporation recorded in the U.S. Patent Office on

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December 17, 2002, Reel 013563, Frame 0534. The evidentiary documents have been reviewed and to the best of Petitioner's knowledge and belief, title is in the Petitioner.

Petitioner hereby disclaims except as provided below the terminal part of the statutory term of any patent granted on the application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 5,945,526 issued August 31, 1999.

Petitioner hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that it and the above listed patent are commonly owned. This agreement runs with any patent granted on the above application and is binding on the grantee, its successor or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of the above-listed patents in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned, whose title is supplied below, is empowered to act on behalf of the corporation.

Respectfully submitted,  
DORSEY & WHITNEY LLP

Date: September 25, 2003

By: \_\_\_\_\_

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